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10/035,703	10/18/2001	Ben M. Hsia	USP1482A-MTS	3937

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Raymond Y. Chan
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EXAMINER

FISCHMANN, BRYAN R

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/035,703

Applicant(s)

HSIA

Examiner
Bryan Fischmann

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3618



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 5, 2003
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 5, 2003 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Jun 5, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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Acknowledgments

1. The Drawing Corrections and Formal Drawings (papers 5 and 4, respectively), the Substitute Specification (paper 6) and the Amendment (paper 8) filed 6-05-2003 have been entered.

Specification

2. The Substitute Specification (paper 6) is objected to because of the following:

B) The following recited phrases are unclear, awkwardly worded, and/or grammatically incorrect:

1) On line 4 of page 2, the reference character "a31" should have the "a" capitalized.

2) Lines 14 and 15 of page 2 are considered awkwardly worded and somewhat unclear.

3) On line 1 of page 4, it is believed that wording would be improved if the word "the" were inserted before the word "outside".

4) On line 17 of page 8, it is believed the wording would be improved if the word "on" were not present before the words "the finger trigger".

5) Page 6 recites in several places "elongated elements 23" or "pair of elongated elements 23". As best understood from the drawing figures, there is only one single continuous "elongated element" as opposed to a "pair of elongated elements".

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6) In the abstract and pages 6 and 8 of the specification, it is described how rotation of the turn switch causes disengagement of the first and second engaging members. This description is objected to for reasons set forth in the 112 1st portion of this Office Action.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 341. Correction is required.

Claim Objections

4. Claim 21-40 are objected to because of the following:

A) Claim 21 recites on the lower portion of page 2 of paper 8 "...said turn switch so as to said turn switch is unblocked...".

The meaning of this recited phrase is considered awkward and somewhat unclear.

B) Since proper antecedent basis for term "the user" is not believed to be established, and to improve wording, the recitation of "for the user's fingers fittedly gripping thereon" in claims 29-36 is believed better worded "for allowing a user's fingers to fittedly grip thereon", or similar.

C) The recitation of "protrusion" in claims 37-40 is objected to, as this term is believed to correspond to reference number 341, which is believed to be non-illustrated. Due to this, it is unclear what structure corresponds to the "protrusion".

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Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21-40 are rejected under 35 U.S.C. 112, first paragraph, as containing subject

matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Claim 21 recites on the lower portion of page 2 of paper 8 "...turn switch is unblocked and free to rotate with respect to said pivot arms to disengage said first engaging members with said second engaging members respectively".

Adequate written description for this recitation is considered lacking due to the following:

1) The "turn switch" is best understood to correspond to reference number 30 and the "first and second engaging members" are best understood to correspond to reference numbers 21 and 22, respectively.

2) From the specification and drawings, it is taught that the turn switch "disengages" the first and second engaging members due the turn switch and first and second engaging members being "connected". The turn switch and first and second engaging members are connected by the engaging element 23.

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It is further set forth on pages 6 and 8 of the specification, though not in a thoroughly clear manner, and as alluded to in the claim 21 recitation above, that rotation of the turn switch causes "movement" of the engaging element 23 which causes "disengagement" of first and second engaging members 22 on each side of the stroller, to allow the stroller to be folded.

3) It is believed that the Applicant has not provided adequate written description of how rotation of the turn switch 30 causes movement of the elongated element 23 which in turn causes disengagement of the first and second engaging members 21 and 22 due to the following:

A) Page 6 of the specification recites "...the elongated elements 23, which are two durable wires, extend...through an interior of the pivot arms 121 respectively".

B) Figure 5 fails to show how the elongated element 23 "exits" the pivot arms 121 in the vicinity of the handle. Due to this, it is best understood from page 6 that the elongated element "exits" through the end of the pivot arms, which is consistent with changes made to Figure 5 on paper 5.

C) Upon exiting the pivot arm, the elongated element 23 must then engage the driving member 34 which is located on an outer diameter of the central shaft 31. The only available path to the driving member on the "exterior" of the central shaft, upon exiting the "interior" of the pivot arms 121 would be through the "interior" of the central shaft 31, since these two parts are "engaged", as shown on Figure 5. However this "path" includes the area where the "male" portion of the pivot arm 121 and the "female" portion of the central shaft 31 engage. In order for the elongated element to pass through this "engagement area" of the male.

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portion of 121 and the female portion of 31, the elongated element would first have to take a 180 degree turn after exiting the interior of 121 and then pass through the "engagement area" of 121 and 31. It is difficult to see how this would be possible without causing binding that would severely restrict, if not altogether limit movement of the elongated element.

As best understood, after careful review of the handle assembly, it would appear that in order to make the unit functional, that the pivot arm 121 would have to have a socket fit with the turning handle 32, as opposed to the central shaft 31, as taught by Applicant. Additional wire guides, not taught or shown by Applicant also might be required in the handle area to make the handle assembly functional.

Response to Applicant's Remarks (paper 8) and Examiner's Comments

7. The amendment (paper 8), Substitute Specification (paper 6) and Drawing Corrections and Formal Drawings (papers 5 and 4, respectively) resolved virtually all specification, claim and drawing objections made in the first Office Action (paper 3). Areas that are still objectionable are noted in this Office Action (paper 9).
8. The amendment (paper 8) also resolved the 112 2nd paragraph rejections made on the last Office Action.
9. The Examiner was a bit confused regarding papers 4 and 5. Paper 4 included formal drawings only. Paper 5 included a "marked-up" copy of drawing changes, as well as formal

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drawings. This leaves unclear to the Examiner whether the formal drawings in paper 4 and 5 are the same. Request clarification of this area by Applicant.

10. As noted in the 112 1st portion of this Office Action (paper 9), the main "issue" holding-up allowance of the Instant Application is that the Examiner believes that as disclosed, that rotation of the turn switch will not cause disengagement of the first and-second engagement members as claimed.

Conclusion

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (703) 306-5955. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson, can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BF

07/09/03


BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
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7/10/03